

B1 (Official Form 1)(04/13)

# United States Bankruptcy Court

## District of South Carolina

# Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle):

**Benjamin Mora Construction, LLC**

Name of Joint Debtor (Spouse) (Last, First, Middle):

All Other Names used by the Debtor in the last 8 years  
(include married, maiden, and trade names):All Other Names used by the Joint Debtor in the last 8 years  
(include married, maiden, and trade names):Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN  
(if more than one, state all)**20-0413050**Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN  
(if more than one, state all)

Street Address of Debtor (No. and Street, City, and State):

**1346 Remount Road  
Charleston, SC**

ZIP Code

**29406**

Street Address of Joint Debtor (No. and Street, City, and State):

ZIP Code

County of Residence or of the Principal Place of Business:

**Charleston**

County of Residence or of the Principal Place of Business:

Mailing Address of Debtor (if different from street address):

ZIP Code

Mailing Address of Joint Debtor (if different from street address):

ZIP Code

Location of Principal Assets of Business Debtor  
(if different from street address above):**1346 Remount Road  
Charleston, SC 29406****Type of Debtor**

(Form of Organization) (Check one box)

- ☐ Individual (includes Joint Debtors)  
*See Exhibit D on page 2 of this form.*
- ☒ Corporation (includes LLC and LLP)
- ☐ Partnership
- ☐ Other (If debtor is not one of the above entities, check this box and state type of entity below.)

**Nature of Business**

(Check one box)

- ☐ Health Care Business
- ☐ Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☒ Other

**Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)**

- ☒ Chapter 7
- ☐ Chapter 9
- ☐ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13
- ☐ Chapter 15 Petition for Recognition of a Foreign Main Proceeding
- ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

**Chapter 15 Debtors**

Country of debtor's center of main interests:

Each country in which a foreign proceeding by, regarding, or against debtor is pending:

**Tax-Exempt Entity**

(Check box, if applicable)

- ☐ Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).

**Nature of Debts**

(Check one box)

- ☐ Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ☒ Debts are primarily business debts.

**Filing Fee (Check one box)**

- ☒ Full Filing Fee attached
- ☐ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.
- ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.

Check one box:

- ☐ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).
- ☐ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).

Check if:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every three years thereafter).

Check all applicable boxes:

- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).

**Statistical/Administrative Information**

- ☐ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☒ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

**Estimated Number of Creditors**

☒ 1-49 ☐ 50-99 ☐ 100-199 ☐ 200-999 ☐ 1,000-5,000 ☐ 5,001-10,000 ☐ 10,001-25,000 ☐ 25,001-50,000 ☐ 50,001-100,000 ☐ OVER 100,000

**Estimated Assets**

☒ \$0 to \$50,000 ☐ \$50,001 to \$100,000 ☐ \$100,001 to \$500,000 ☐ \$500,001 to \$1 million ☐ \$1,000,001 to \$10 million ☐ \$10,000,001 to \$50 million ☐ \$50,000,001 to \$100 million ☐ \$100,000,001 to \$500 million ☐ \$500,000,001 to \$1 billion ☐ More than \$1 billion

**Estimated Liabilities**

☐ \$0 to \$50,000 ☒ \$50,001 to \$100,000 ☐ \$100,001 to \$500,000 ☐ \$500,001 to \$1 million ☐ \$1,000,001 to \$10 million ☐ \$10,000,001 to \$50 million ☐ \$50,000,001 to \$100 million ☐ \$100,000,001 to \$500 million ☐ \$500,000,001 to \$1 billion ☐ More than \$1 billion

THIS SPACE IS FOR COURT USE ONLY

B1 (Official Form 1)(04/13)

Page 2

## Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):

**Benjamin Mora Construction, LLC**

### All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)

Location

Where Filed: **- None -**

Case Number:

Date Filed:

Location

Where Filed:

Case Number:

Date Filed:

### Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor:

**- None -**

Case Number:

Date Filed:

District:

Relationship:

Judge:

#### Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

#### Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).

**X**

Signature of Attorney for Debtor(s)

(Date)

#### Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.

☒ No.

#### Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

#### Information Regarding the Debtor - Venue

(Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.
- ☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

#### Certification by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes)

☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

\_\_\_\_\_  
(Name of landlord that obtained judgment)

\_\_\_\_\_  
(Address of landlord)

- ☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
- ☐ Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.
- ☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

# Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):

**Benjamin Mora Construction, LLC**

## Signatures

### Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X** \_\_\_\_\_  
Signature of Debtor

**X** \_\_\_\_\_  
Signature of Joint Debtor

\_\_\_\_\_  
Telephone Number (If not represented by attorney)

\_\_\_\_\_  
Date

### Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

**X** \_\_\_\_\_  
Signature of Foreign Representative

\_\_\_\_\_  
Printed Name of Foreign Representative

\_\_\_\_\_  
Date

### Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

\_\_\_\_\_  
Printed Name and title, if any, of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

\_\_\_\_\_  
Address

**X** \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

\_\_\_\_\_  
Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

\_\_\_\_\_  
If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

\_\_\_\_\_  
A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. §110; 18 U.S.C. §156.

### Signature of Attorney\*

**X** /s/ Elizabeth M. Atkins, Esquire DCID #4436  
Signature of Attorney for Debtor(s)

Elizabeth M. Atkins, Esquire DCID #4436 0000435  
Printed Name of Attorney for Debtor(s)

Elizabeth M. Atkins, Esquire  
Firm Name

778 St. Andrews Boulevard  
Charleston, SC 29407

\_\_\_\_\_  
Address

Email: atkinslawoffice@yahoo.com  
843-763-0333 Fax: 843-763-9020

\_\_\_\_\_  
Telephone Number

December 1, 2014  
Date

\_\_\_\_\_  
Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

### Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**X** /s/ Benjamin Lomeli Mora  
Signature of Authorized Individual

Benjamin Lomeli Mora  
Printed Name of Authorized Individual

Member  
Title of Authorized Individual

December 1, 2014  
Date

\_\_\_\_\_  
Date

LOCAL OFFICIAL FORM 1007-1(b) TO SC LBR 1007-1

United States Bankruptcy Court  
District of South Carolina

In re Benjamin Mora Construction, LLC Debtor(s) Case No. \_\_\_\_\_  
Chapter 7

CERTIFICATION VERIFYING CREDITOR MATRIX

The above named debtor, or attorney for the debtor if applicable, hereby certifies pursuant to South Carolina Local Bankruptcy Rule 1007-1 that the master mailing list of creditors submitted either on computer diskette, electronically filed via CM/ECF, or conventionally filed in a typed hard copy scannable format which has been compared to, and contains identical information to, the debtor's schedules, statements and lists which are being filed at this time or as they currently exist in draft form.

Master mailing list of creditors submitted via:

- (a) \_\_\_\_\_ computer diskette  
(b) \_\_\_\_\_ scannable hard copy  
(number of sheets submitted \_\_\_\_\_)  
(c) X electronic version filed via CM/ECF

Date: December 1, 2014

/s/ Benjamin Lomeli Mora  
Benjamin Lomeli Mora/Member  
Signer/Title

Date: December 1, 2014

/s/ Elizabeth M. Atkins, Esquire DCID #4436  
Signature of Attorney  
Elizabeth M. Atkins, Esquire DCID #4436  
Elizabeth M. Atkins, Esquire  
778 St. Andrews Boulevard  
Charleston, SC 29407  
843-763-0333 Fax: 843-763-9020  
Typed/Printed Name/Address/Telephone

0000435  
District Court I.D. Number

ACCIDENT FUND  
ATTORNEY OR MANAGER  
P.O. BOX 77000, DEPT 77125  
DETROIT MI 48277-0125

ADMIRAL INSURANCE COMPANY  
ATTORNEY OR MANAGER  
6455 EAST JOHNS CROSSING, SUITE 240  
DULUTH GA 30097

ATTORNEY GENERAL  
CIVIL DIVISION, BANKRUPTCY SECTION  
US DEPARTMENT OF JUSTICE  
WASHINGTON DC 20530

CATERPILLAR FINANCIAL SERVICES CORP.  
ATTORNEY OR MANAGER  
PO BOX 13834  
NEWARK NJ 07188-0834

CENTURY SURETY CO.  
ATTORNEY OR MANAGER  
465 CLEVELAND AVE  
WESTERVILLE OH 43082

CHARLESTON COUNTY TAX COLLECTOR  
C/O CHARLESTON COUNTY BANKRUPTCY DEPT  
4045 BRIDGE VIEW DRIVE, SUITE B119  
NORTH CHARLESTON SC 29405-7464

ELIZABETH M. ATKINS, ESQUIRE  
778 ST. ANDREWS BLVD.  
CHARLESTON SC 29407

FIREMANS INSURANCE  
ATTORNEY OR MANAGER  
P.O. BOX 2031  
TUSTIN CA 92781

FRANCIS MARION ERVIN, II  
ROGERS, TOWNSEND & THOMAS, PC  
FOR: FAUX CAYMAN, LLC  
775 ST. ANDREWS BLVD.  
CHARLESTON SC 29407

GE CAPITAL  
ATTORNEY OR MANAGER  
PO BOX 740425  
ATLANTA GA 30374-0425

INTERNAL REVENUE SERVICE  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

JOHN C HAYES, IV, ESQUIRE  
FOR: JEFFERY SILLS, ET AL  
180 MEETING STREET, SUITE 330  
CHARLESTON SC 29401

JOHN T. CHAKERIS  
FOR: JOHN P. DOLPHIN  
231 CALHOUN STREET  
CHARLESTON SC 29401

JOSHUA FLETCHER EVANS  
FOR: MADISON AT HAMLIN PLANTATION  
TOWNHOME ASSOCIATION, INC.  
415 MILL STREET  
MOUNT PLEASANT SC 29464

KNOWLES LAW FIRM, PC  
FOR: WILLIAM M. JONES  
PO BOX 50201  
SUMMERVILLE SC 29485

KNOWLES LAW FIRM, PC  
FOR: JOSEPH B. CHRISTMAS, ET AL  
PO BOX 50201  
SUMMERVILLE SC 29485

KNOWLES LAW FIRM, PC  
FOR: FRANK ROMANELLI, ET AL  
PO BOX 50201  
SUMMERVILLE SC 29485

KNOWLES LAW FIRM, PC  
FOR: CAROLYN M. HARRISON  
PO BOX 50201  
SUMMERVILLE SC 29485

MCCARTY LAW FIRM, PC  
FOR: WILLIAM M. JONES, ET AL  
PO BOX 30055  
CHARLESTON SC 29417

MCCARTY LAW FIRM, PC  
FOR: FRANK ROMANELLI, ET AL  
PO BOX 30055  
CHARLESTON SC 29417

MCCARTY LAW FIRM, PC  
FOR: JOSEPH B. CHRISTMAS, ET AL  
PO BOX 30055  
CHARLESTON SC 29417

MCCARTY LAW FIRM, PC  
FOR: JEFFERY STILLS, ET AL  
PO BOX 30055  
CHARLESTON SC 29417

OLD REPUBLIC SURETY GROUP  
ATTORNEY OR MANAGER  
PO BOX 1635  
MILWAUKEE WI 53201

PALMETTO MASONRY  
ATTORNEY OR MANAGER  
3428 OLD MEETING ST. RD.  
NORTH CHARLESTON SC 29405

PARKER POE ADAMS & BERNSTEIN  
FOR: JOHN WIELAND HOMES &  
NEIGHBORHOODS OF CAROLINAS, INC.  
200 MEETING STREET, SUITE 301  
CHARLESTON SC 29401

PREMIUM FINANCING  
ATTORNEY OR MANAGER  
P.O. BOX 905849  
CHARLOTTE NC 28290

SC DEPARTMENT OF REVENUE & TAXATION  
PO BOX 12265  
COLUMBIA SC 29211

SC DEPT OF EMPLOYMENT & WORKFORCE  
PO BOX 8597  
COLUMBIA SC 29202

SCOTTSDALE INSURANCE CO  
ATTORNEY OR MANAGER  
ONE NATIONWIDE PLAZA  
COLUMBUS OH 43215

STAR REDI MIX  
ATTORNEY OR MANAGER  
PO BOX 1104  
ORANGEBURG SC 29116

US ATTORNEY FOR SC  
FOR IRS  
ATTN.: DOUGLAS BARNETT  
1441 MAIN STREET, SUITE 500  
COLUMBIA SC 29201

US TRUSTEE  
1835 ASSEMBLY STREET, SUITE 953  
COLUMBIA SC 29201

ZURICH INSURANCE  
ATTORNEY OR MANAGER  
P.O. BOX 968017  
SCHAUMBURG IL 60196



**United States Bankruptcy Court  
District of South Carolina**

In re **Benjamin Mora Construction, LLC**

Debtor(s)

Case No.  
Chapter

**7**

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Benjamin Mora Construction, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

**December 1, 2014**

Date

**/s/ Elizabeth M. Atkins, Esquire DCID #4436**

**Elizabeth M. Atkins, Esquire DCID #4436**

Signature of Attorney or Litigant

Counsel for **Benjamin Mora Construction, LLC**

**Elizabeth M. Atkins, Esquire**

**778 St. Andrews Boulevard**

**Charleston, SC 29407**

**843-763-0333 Fax:843-763-9020**

**atkinslawoffice@yahoo.com**